

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CONSTRUCTION LABORERS  
TRUST FUNDS FOR SOUTHERN  
CALIFORNIA ADMINISTRATIVE  
COMPANY, a Delaware limited  
liability company,

Plaintiff,

vs.

RANCHO PAVING INC., a California  
corporation; ERNESTO ARTURO  
MONZON, an individual; DAVID R.  
FOGT, in his capacity as REGISTRAR  
OF CONTRACTORS, STATE OF  
CALIFORNIA,

Defendants.

Case No.: 2:22-cv-04792-MCS-RAO

**JUDGMENT AND ORDER (JS-6)**

Plaintiff Construction Laborers Trust Funds for Southern California Administrative Company filed a motion for summary judgment. (Mot., ECF No. 125.) No timely response was filed. The Court deems the motion appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. Cal. R. 7-15. After having considered all of the evidence, the Court hereby grants the motion and finds the following.

1 Pursuant to the Court's orders, (ECF Nos. 68, 113), American Contractors  
2 Indemnity Company deposited \$4,000.00 with the Court, (ECF Nos. 75–76), and  
3 David R. Fogt, deposited \$15,986.34 with the Court, (ECF No. 114–16). Plaintiff  
4 made timely claims on deposits, and sufficiently established that it was entitled to the  
5 money pursuant to California Business and Professions Code section 7071.5(e). (Mot.  
6 6–9.) However, California law limits Plaintiff's recovery to \$4,000 for the cash  
7 deposit. Cal. Bus. & Prof. Code § 7071.11(a). Pursuant to the stipulation between  
8 Plaintiff and the Chapter 7 Trustee in the related bankruptcy action, (ECF No. 95), the  
9 balance of the cash deposit beyond the \$4,000.00 to which Plaintiff is entitled will be  
10 returned to the Chapter 7 Trustee, on behalf of the bankruptcy estate of Defendant  
11 Rancho Paving, Inc.

12 It is therefore ordered that the Clerk shall release from the Registry of Court the  
13 \$4,000.00 deposited by ACIC together with any interest accrued to Plaintiff. It is  
14 further ordered that the Clerk shall release \$4,000.00 deposited by Mr. Fogt to  
15 Plaintiff and the remainder, including any interest accrued, to the Chapter 7 Trustee.  
16 All payments made to Plaintiff shall be payable to "Construction Laborers Trust  
17 Funds" and mailed to counsel of record J David Sackman, Reich Adell and Cvitan  
18 APLC, 330 North Brand Boulevard, Suite 250, Glendale CA 91203. All payments  
19 made to the Chapter 7 Trustee shall be payable to "Rancho Paving Inc." and mailed to  
20 Ronald Stadtmueller, 10755 Scripps Poway Parkway, #370, San Diego, CA 92121.

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1 This Judgment and Order finally adjudicates all claims between the parties  
2 other than those dismissed or stayed under 11 U.S.C. § 362(a). Pursuant to Federal  
3 Rule of Civil Procedure 54(b), the Court finds that there is no just reason for delay in  
4 entry of a partial judgment adjudicating all claims that may be resolved at this time.

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6 IT IS SO ORDERED.



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8 DATED: December 6, 2024

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Mark C. Scarsi  
United States District Judge